

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89109 of 2024

Arising Out of PS. Case No.-724 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Yasir Ahmad @ Mogal @ Md Yasir Son of Hazir Nasarudin Ahamad @ Md. Nasarudin Resident of Village - Krish Market Road near Central Hospital in Dr. M. Akram, Ward No. 03, Police Station - Shikarpur (Narkatiyaganj), District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naziya Hasan Wife of Yasir Ahamad @ Mogal, Daughter of Shahid Ali At present Resident of Mohalla - janpul Chowk Near Madhav Cinema, Police Station - Motihari City, District - East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 14-05-2025 1. By the earlier orders, notices have been issued to the Opposite Party No. 2 but despite valid service of notice, she has not appeared in the present case.

2. Heard learned counsel for the petitioner, learned counsel for the informant/opposite party no. 2 and learned APP for the State.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code.

4. Petitioner, who is husband of opposite party no2., is said to have ousted the opposite party no.2 from her matrimonial home in association of his family members over the



dowry demand.

5. The prosecution is based upon the complaint in which allegations of demand of dowry and torture has been made.

6. Learned counsel for the petitioner submits that the allegations made in the complaint are not correct and as a matter of fact, although, the complaint was filed under Section 323 and 307 also but the cognizance has been taken in the case only under Section 498 A of the IPC. The petitioner has stated in his petition that he has always been ready to keep his wife with full dignity and honor and it is rather the opposite party no. 2 who has been non co-operative and has been levelling false allegations upon the petitioner. It has also been submitted by the learned counsel for the petitioner that the marriage of the opposite party no. 2 with the petitioner had been performed by forcing the opposite party no. 2 and after the marriage she has been taken away to Bhopal again where she resides and it is also a fact that the petitioner and the opposite party no. 2 are related.

7. Learned counsel appearing for the State however opposes the prayer besides on the ground that the petitioner is also an accused in another case and in response to the same learned counsel appearing for the petitioner stated that the said case has also been filed by the present opposite party no. 2 who is the



wife of the petitioner subsequent to the present case and in the said case also the petitioner was granted the privilege of anticipatory bail

8. In such view of the matter, let the above named petitioner, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Second Class, Motihari, East Champaran, in connection with Complaint Case No. 724 of 2024 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

Raj Ranjan/-

U		T	
---	--	---	--

